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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/941,254	Applicant(s) HOCHMUTH ET AL.	
	Examiner Ashok B. Patel	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/27/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are subject to examination.

Response to Arguments

2. Applicant's arguments filed 12/08/2005 have been fully considered but they are not persuasive for the following reasons:

Applicant's argument:

Cited Reference is Not Prior Art to Present Application

The Office Action has rejected all claims 1-20 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. published application 2005/0076134 to Bialik et al. (hereinafter the '134 reference). Applicants respectfully submit that the presently claimed embodiments patently defined over the '134 reference. However, Applicants need not detail the distinctions of the present claims, as the '134 reference is not prior art to the present application.

The present application was filed with the U.S. PTO on August 27, 2001 . The '134 reference was filed as a national phase application of a PCT application, which was filed on May 13, 2002. As the filing date of the present application pre-dates the PCT application filing date of the '134 reference, the '134 reference is not prior art under 35 U.S.C. j 102(e). For at least this reason, the rejections of all claims 1 -20 should be withdrawn.

Examiner's response:

Please refer to MPEP 2136.03 [R-2], provided below.

II. INTERNATIONAL (PCT) APPLICATIONS; INTERNATIONAL APPLICATION PUBLICATIONS

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If the potential reference resulted from, or claimed the benefit of, an international application, the following must be determined:

(A) If the international application meets the following three conditions:

(1) an international filing date on or after November 29, 2000;
(2) designated the United States; and
(3) published under PCT Article 21(2) in English, the international filing date is a U.S. filing date for prior art purposes under 35 U.S.C. 102(e). If such an international application properly claims benefit to an earlier-filed U.S. or international application, or priority to an earlier-filed U.S. provisional application, apply the reference under 35 U.S.C. 102(e) as of the earlier filing date, assuming all the conditions of 35 U.S.C. 102(e) and 35 U.S.C. 119(e), 120, or 365(c) are met. >In addition, the subject matter relied upon in the rejection must be disclosed in the earlier-filed application in compliance with 35 U.S.C. 112, first paragraph, in order to give that subject matter the benefit of the earlier filing date under 35 U.S.C. 102(e).< Note, where the earlier application is an international application, the earlier international application must satisfy the same three conditions (i.e., filed on or after November 29, 2000, designated the U.S., and had been published in English under PCT Article 21(2)) for the earlier international filing date to be a U.S. filing date for prior art purposes under 35 U.S.C. 102(e).

Applicant's argument:

"The undersigned has found the contents of the provisional application to lack significant content (allegedly provided in the '134 reference) relied upon in forming the outstanding claim rejections- As an example, the rejection of independent claim 1 relies heavily on the content of FIGs. 3 and 4 of the '134 reference. Neither of these figures, however, is contained within the provisional application."

Examiner's response:

All the Figs except Fig. 4 is contained within the provisional application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bialik et al. (hereinafter Bialik) (Provisional Application No. 60/291, 130).

Referring to claim 1,

Bialik teaches an apparatus for communicating graphics between at least two remotely-located computers across a computer network (page 5, Fig. 4) comprising:

an input for receiving a video signal (page 5, Fig. 4, "Video broadcast DVB-ASI, Digital Src SDI, Analog Src PAL/NTSC"), output from a graphics card of a source computer (page 5, Fig. 4, "HeadEnd Content Insertion" providing "Video broadcast DVB-ASI, Digital Src SDI, Analog Src PAL/NTSC", Fig. 4, elements "CO" application, page 5, "In a Central Office.....the contents.");

a memory for storing discrete units of the video signal (page 4, Fig. 3, elements "Storage", Page 4, para. "The storage.....simultaneously.");

a compression circuit for compressing a plurality of the discrete units into a compressed video signal (page 2, Fig. 1, elements "Compressed #1 Compressed #P");

a network interface circuit coupled to both the compression circuit and the computer network, the network interface circuit configured to format and communicate the compressed video signal over the computer network to a remote computer; and an output coupled to the computer network (page 5, Fig. 4, element "Communicator", page 3, Fig.2, page 2, Last para. "Figure 1..... etc., Fig. 4, elements "CO" application, page 5, "In a Central Office.....the contents.").

Referring to claim 2,

Bialik teaches an apparatus for communicating graphics across a computer network (page 5, Fig. 4) comprising:

an input for receiving a video signal (page 5, Fig. 4, "Video broadcast DVB-ASI, Digital Src SDI, Analog Src PAL/NTSC", Fig. 4, elements "CO" application, page 5, "In a Central Office.....the contents.");

a memory for storing discrete units of the video signal (page 4, Fig. 3, elements "Storage", Page 4, para. "The storage.....simultaneously.");

a compression circuit for compressing a plurality of the discrete units into a compressed video signal (page 2, Fig. 1, elements "Compressed #1 Compressed #P"); and

a network interface circuit coupled to both the compression circuit and the computer network, the network interface circuit configured to format and communicate the compressed video signal over the computer network to a remote computer. (page 5, Fig. 4, element "Communicator", page 3, Fig.2, page 2, Last para. "Figure 1..... etc., Fig. 4, elements "CO" application, page 5, "In a Central Office.....the contents.").

Referring to claim 3,

Bialik teaches the apparatus of claim 2, wherein the video signal is in compliance with a Digital Visual Interface (DVI) standard (page 5, Fig. 4, "Video broadcast DVB-ASI, Digital Src SDI, Analog Src PAL/NTSC", Fig. 4, elements "CO" application, page 5, "In a Central Office.....the contents.").

Referring to claim 4,

Bialik teaches the apparatus of claim 2, wherein the video signal is an analog video signal (page 5, Fig. 4, "Video broadcast DVB-ASI, Digital Src SDI, Analog Src PAL/NTSC", Fig. 4, elements "CO" application, page 5, "In a Central Office.....the contents.").

Referring to claim 5,

Bialik teaches the apparatus of claim 2, further comprising a circuit for converting an analog video signal into a digital video signal. (page 3, Fig. 2, element "live analog video" , page 2, line 2, "The actualor modified.")

Referring to claims 6 and 7,

Bialik teaches the apparatus of claim 2, wherein the computer network comprises a local area network (LAN), and apparatus of claim 2, wherein the computer network comprises a wide area network (WAN). (page 2, last para. "Figure 1.....through page 3, line 1 " the matrix to local or wide area distribution networks.", page 5, Fig. 4,)

Referring to claim 8,

Bialik teaches the apparatus of claim 2, wherein the network interface circuit is configured to format the compressed video signal into a plurality of Internet Protocol (IP) packets that are communicated over the computer network to the remote computer. (page 2, last para. "Figure 1.....through page 3, line 1 " the matrix to local or wide area distribution networks.", page 5, Fig. 4)

Referring to claim 9,

Bialik teaches the apparatus of claim 2, further comprising a second input for receiving a second video signal (page 3, Fig. 2, element “ live digital video” live Analog video” etc. page 1, Description, “The basic ideaconcurrently.”).

Referring to claim 10,

Bialik teaches the apparatus of claim 9, wherein the compression circuit is further configured to separately compress a plurality of discrete units for each of the video signals. (page 3, Fig. 2, element “ live digital video” live Analog video” etc. page 1, Description, “The basic ideaconcurrently.”).

Referring to claim 11,

Bialik teaches the apparatus of claim 2, wherein the network interface circuit is configured to format and communicate separately compressed video signals to different remote computers, such that a first remote computer receives a first compressed video signal and a second remote computer receives a second compressed video signal. (page 3, Fig. 2, element “ live digital video” live Analog video” etc. page 1, Description, “The basic ideaconcurrently.”, Fig. 4, elements “CPEs”).

Referring to claim 12,

Bialik teaches the apparatus of claim 2, further comprising a plurality of network interface circuits, each network interface circuit being coupled to both a compression circuit and the computer network, each network interface circuit being configured to format and communicate the compressed video signal over the computer network to a remote computer. (page 5, Fig. 4, element “Communicator”, page 3, Fig.2, page 2, Last para. “Figure 1..... etc.... page 3, line 1networks.”).

Referring to claims 13 and 14,

Bialik teaches the apparatus of claim 2, wherein the apparatus comprises a connector for direct connection to a source computer that supplies the video signal, wherein the connector comprises signals carrying power signals for powering the apparatus, and apparatus of claim 13, wherein the connector is an edge connector configured to directly plug into a card slot of a motherboard of the source computer. (Fig. 4, elements "CO" application, page 5, "In a Central Office.....the contents.")

Referring to claim 15,

Bialik teaches the apparatus for communicating graphics across a computer network (page 5, Fig. 4) comprising:

an input for receiving a video signal (page 5, Fig. 4, "Video broadcast DVB-ASI, Digital Src SDI, Analog Src PAL/NTSC", Fig. 4, elements "CO" application, page 5, "In a Central Office.....the contents."); and

a network interface circuit coupled to both the input and the computer network, the network interface circuit configured to format and communicate the video signal over the computer network to a remote computer (page 5, Fig. 4, element "Communicator", page 3, Fig.2, page 2, Last para. "Figure 1..... etc., Fig. 4, elements "CO" application, page 5, "In a Central Office.....the contents.").

Referring to claim 16,

Bialik teaches the apparatus of claim 15, wherein the network interface circuit is configured to format the video signal into a plurality of Internet Protocol (IP) packets that are communicated over the computer network to the remote computer (page 2, last

para. "Figure 1.....through page 3, line 1 " the matrix to local or wide area distribution networks.", page 5, Fig. 4).

Referring to claim 17,

Bialik teaches the apparatus of claim 15, further comprising a second input for receiving a second video signal. (page 3, Fig. 2, element " live digital video" live Analog video" etc. page 1, Description, "The basic ideaconcurrently.").

Referring to claim 18,

Bialik teaches the apparatus of claim 15, wherein the network interface circuit is configured to separately format and communicate each received video signal to different remote computers, such that a first remote computer receives the a first video signal and a second remote computer receives a second video signal (page 3, Fig. 2, element " live digital video" live Analog video" etc. page 1, Description, "The basic ideaconcurrently.", Fig. 4, elements "CPEs").

Referring to claim 19,

Bialik teaches the method for communicating graphics across a computer network (page 5, Fig.4) comprising:

receiving a video signal from a graphics card of a source computer(page 5, Fig. 4, "Video broadcast DVB-ASI, Digital Src SDI, Analog Src PAL/NTSC"), output from a graphics card of a source computer (page 5, Fig. 4, "HeadEnd Content Insertion" providing "Video broadcast DVB-ASI, Digital Src SDI, Analog Src PAL/NTSC", Fig. 4, elements "CO" application, page 5, "In a Central Office.....the contents.");

converting the video signal into a format suitable for communication over a computer network; and communicating the converted video signal across the computer network to a remote computer (page 5, Fig. 4, element "Communicator", page 3, Fig.2, page 2, Last para. "Figure 1..... etc., Fig. 4, elements "CO" application, page 5, "In a Central Office.....the contents.").

Referring to claim 20,

Bialik teaches the method of claim 19, wherein the step of converting comprises forming a plurality of Internet Protocol (IP) packets collectively embodying the video signal. (page 2, last para. "Figure 1.....through page 3, line 1 " the matrix to local or wide area distribution networks.", page 5, Fig. 4).

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp


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